

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

ERIC SHAW

PLAINTIFF

V.

CIVIL NO. 6:19-cv-06006

HOT SPRINGS, CITY OF; HOT SPRINGS,  
COUNTY OF; SHERIFF MIKE CASH (in  
His Official Capacity); and CHIEF OF  
POLICE JASON STACHEY (in his Official  
Capacity)

DEFENDANTS

**ORDER**

The Court has received a Report and Recommendation (ECF No. 31) from United States Magistrate Judge Barry A. Bryant. Plaintiff proceeds in this 42 U.S.C. §1983 action *pro se* and in *forma pauperis*. Defendants City of Hot Springs and Chief of Police Jason Stachey, in his official capacity, have filed a Motion for Judgment on the Pleadings (ECF No. 18). Plaintiff has filed a Response in Opposition (ECF No. 22). Upon review, the Magistrate recommended that the Motion be granted and Plaintiff's Complaint against Defendants City of Hot Springs and Defendant Stachey, in his official capacity, be dismissed without prejudice against them. Plaintiff filed timely written Objections (ECF No. 32) to the Report and Recommendation. The matter is now ripe for consideration by this Court.

The Court has conducted a de novo review of those portions of the report and recommendation to which Plaintiff has objected. 28 U.S.C. § 636(b)(1). Plaintiff's objections offer neither law nor fact requiring departure from the Magistrate's findings. The Court finds that the report and recommendation is proper, contains no clear error, and is ADOPTED IN ITS ENTIRETY.

IT IS THEREFORE ORDERED that Defendants' Motion for Judgment on the Pleadings

(ECF No. 18) should be and hereby is GRANTED, and Plaintiff's Complaint against Defendants City of Hot Springs and Defendant Stachey, in his Official Capacity, should be and hereby is DISMISSED WITHOUT PREJUDICE against them. This case remains pending against separate defendants Hot Spring County and Sheriff Mike Cash, in his official capacity.

SO ORDERED this 16th day of December 2019.

/s/Robert T. Dawson

ROBERT T. DAWSON  
SENIOR U.S. DISTRICT JUDGE